

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Tommy Dwayne Brown,)	
)	
Plaintiff,)	
)	Civil Action No. 8:24-cv-4076-BHH
v.)	
)	
P. Wagner, Anderson County, State)	<u>ORDER</u>
of South Carolina,)	
)	
Defendants.)	
_____)	

This matter is before the Court upon Plaintiff Tommy Dwayne Brown's ("Plaintiff") pro se complaint filed pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2)(d), D.S.C., the matter was referred to a United States Magistrate Judge for preliminary review.

On November 14, 2024, the Magistrate Judge issued an order informing Plaintiff that his complaint (other than his excessive force and unlawful search and seizure claims against Deputy Wagner) was subject to dismissal as drafted and providing him time to attempt to cure the defects by filing an amended complaint. (ECF No. 22.) When Plaintiff failed to file an amended complaint as directed, the Magistrate Judge issued a report and recommendation ("Report") on December 13, 2024, outlining the issues and recommending that the Court dismiss Plaintiff's claims (other than his excessive force and unlawful search and seizure claims against Deputy Wagner). (ECF No. 26.) Attached to the Magistrate Judge's Report was a notice advising Plaintiff of the right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections to the Report have been filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s analysis. **Accordingly, the Court hereby adopts and incorporates the Magistrate Judge’s Report (ECF No. 24), and the Court dismisses Plaintiff’s claims (other than his excessive force and unlawful search and seizure claims against Deputy Wagner) pursuant to Rule 41(b) for failure to comply with a court order.**

IT IS SO ORDERED.

/s/Bruce H. Hendricks

United States District Judge

January 9, 2024

Charleston, South Carolina